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UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas**ENTERED**Roxane Johnson, *et al.*,

§

Plaintiffs,

§

versus

§

Civil Action H-18-2988

PennyMac Loan Services, LLC, *et al.*,

§

Defendants.

§

September 21, 2018  
David J. Bradley, Clerk

### Opinion on Recusal

No reasonable, fully informed person would question this court's impartiality towards Roxane Johnson or Mr. Properties. Anthony Welch – the owner of Mr. Properties – has moved to recuse because he has appeared before this court in a criminal case in 2007. People often appear before the same judge.

Under his logic, recusal would be necessary in every case where a party or lawyer has appeared before this court. For instance, the municipal court in Weimar, Texas, has one judge, the Honorable Bob McMahan. The population of Weimar is 2,151, by the 2010 census. McMahan likely has broad and deep knowledge about everyone in town. The people of Weimar – who would be the jurors – have that same knowledge as McMahan. Neither McMahan nor the potential jurors are disqualified for having knowledge of a party as long as they can swear that their verdict will be based solely on the evidence and instruction.

In 2007, Welch entered a guilty plea before this court. He was sentenced. Welch's matter was terminated on July 27, 2007. This suit was filed on August 29, 2018. In the past year, approximately 19 cases were filed in this court per month. That puts roughly 2,500 lawsuits before this court between Welch's two

suits. To the extent this court has a memory of Welch, it will not affect this court's judgment in any respect.

Here, Johnson and Mr. Properties are suing PennyMac Loan Services, LLC, for wrongful foreclosure. Experience with Welch's 2007 case creates no bias in favor of or against him. This court will not recuse. Johnson's motions to recuse and requesting a continuance will be denied. (7, 8)

Signed on September 21, 2018, at Houston, Texas.



Lynn N. Hughes  
United States District Judge